



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

3636
#11
Petition
with
Don
11/11/05
B

Application No: 09/420,419

Title: BRACKET FOR CONCRETE FORMS

Applicant: John Rice

Filed: October 10, 1999

Art Unit: 3636

Our File No: JJ-10 297US

133 Richmond St. West, Suite 301
Toronto, Ontario M5H 2L7

September 14, 2004

Commissioner of Patents & Trademarks
Washington, D.C. 20231

Attention: Office of Petitions

RECEIVED
SEP 17 2004
GROUP 3600

Dear Sir:

PETITION TO WITHDRAW THE HOLDING OF ABANDONMENT

Pursuant to 37 C.F.R. 181(a), Applicant hereby petitions the Commissioner to withdraw the holding of Abandonment in the above noted application on the grounds that the application is in fact not abandoned.

The above-identified application was deemed to be abandoned by a Notice of Abandonment mailed by the United States Patent and Trademark Office on April 12, 2002. This abandonment has come to my attention as a result of an enquiry from our client. While I am aware that the time for receiving an Office Action in some cases have been in excess of well over a year, and although the due dates on this case were continually checked, the time since any activity had occurred on this application seemed overly excessive and our client has been inquiring. To check the case, I requested our Washington Associate, Landon Stark Cantwell & Paxton to obtain a copy of the file history. We became aware that the

application was deemed to be abandoned on September 2, 2004 when we received the copy of the file history. A copy of the file history is attached hereto as Exhibit "A".

According to our records, the last action on this file was a Request for Continued Examination (RCE) which I personally filed by facsimile on March 25, 2002 and which was received in the United States Patent and Trademark Office on that date as confirmed by the copy of the auto reply facsimile transmission. A copy of the original RCE, Response and Petition for Extension of Time dated March 25, 2002 along with a copy of the auto reply facsimile transmission confirming the receipt of the transmission in the United States Patent and Trademark Office is attached hereto as Exhibit "B". As noted on the Search Notes in the File History, the filing of the RCE was apparently confirmed with the Examiner on April 10, 2002.

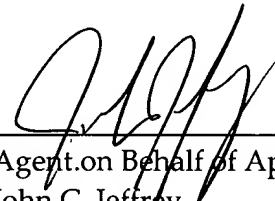
When a paper from the United States Patent and Trademark Office is received it is passed over to a clerk for entry into our computerized diary system. I am familiar with the operation of the computerized diary system as I was involved in the setting up and implementation of the diary system. If the Notice of Abandonment from the United States Patent and Trademark Office in this application had been received, a due date for reinstatement of the application would have been diarized in the file record. Attached hereto as Exhibit "C" is a printout of the record in our diary system of the above-identified patent application. This record indicates that there are no outstanding due dates according to our system and that there were 14 prior due dates removed. The last due date removed is the one dated March 24, 2002, code USAB for filing of the Appeal Brief in a appeal which was completed on Monday, March 25, 2002 by filing the RCE. Our computerized diary system maintains a log of all entries and changes to a record. A copy of the log for the record in our computerized diary system for this patent application is also enclosed as Exhibit "D" which is in reverse date order showing that the last entry was on March 26, 2002 when the due date for filing the Appeal Brief was removed by the clerk, Arlene Morris, as the RCE had been filed.

I have personally searched our file records and can find no indication that the Notice of Abandonment was received in our office.

In view of the fact that the Request for Continued Examination was properly filed in the United States Patent and Trademark Office on the extended due date of March 25, 2002, it is submitted that the application was not, in fact, abandoned. As soon as we became aware of the state of the application, I immediately prepared this Petition to Withdraw the Holding of Abandonment.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon

Respectfully submitted,



Agent on Behalf of Applicant
John C. Jeffrey
Registration No. 35,764
416-368-8313

JJ/jc
Enclosure

EXHIBIT "A"

EXHIBIT "B"

TO: Auto-reply fax to 368 1645 COMPANY:

Auto-Reply Facsimile Transmission

UNITED STATES
PATENT AND
TRADEMARK OFFICE

TO:

Fax Sender at 416 368 1645

Fax Information

Date Received:

3/25/02 7:31:03 PM [Eastern Standard Time]

Total Pages:

11 (including cover page)

ADVISORY: This is an automatically generated return receipt confirmation of the facsimile transmission received by the Office. Please check to make sure that the number of pages listed as received in Total Pages above matches what was intended to be sent. Applicants are advised to retain this receipt in the unlikely event that proof of this facsimile transmission is necessary. Applicants are also advised to use the certificate of facsimile transmission procedures set forth in 37 CFR 1.8(a) and (b), 37 CFR 1.6(f). Trademark Applicants, also see the Trademark Manual of Examining Procedure (TMEP) section 702.04 et seq.

Received
Cover
Page

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MAR-25-2002 19:35

DENNISON / MACBETH

416 368 1645 P.01/11

DENNISON ASSOCIATES

PATENT AND TRADE-MARK AGENTS

SUITE 301
133 RICHMOND STREET WEST
TORONTO, ONTARIO, CANADA
M5H 2L7

TELEPHONE: (416) 368-8313

FACSIMILE: (416) 368-1645

FACSIMILE TRANSMISSION

DATE: March 25, 2002

Our Ref.: JJ-10 297US

TO: THE COMMISSIONER OF PATENTS AND TRADEMARKS

ATTN: Examiner Jose V. Chen, Art Unit #3636

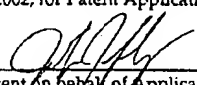
FAX NO.: (703) 872-9327

FROM: John Jeffrey

TOTAL NO. OF PAGES
INCLUDING COVER SHEET IS: 11

MESSAGE:

I hereby certify that the attached is an originally signed Request for Continued Examination, Response and Petition for Extension of Time dated March 25, 2002 being transmitted by facsimile on March 25, 2002, for Patent Application SN 09/420,419 for John Rice.


Agent on behalf of Applicant
John C. Jeffrey, Reg. No. 35,764
Tel: (416) 368-8313

IF YOU DO NOT RECEIVE ALL THE PAGES, PLEASE TELEPHONE Aileen Bronkhorst at (416) 368-8313.

CONFIDENTIALITY NOTICE

THIS FACSIMILE COMMUNICATION IS INTENDED ONLY FOR THE USE OF THE INDIVIDUAL PERSON OR ENTITY TO WHOM IT IS ADDRESSED AND MAY CONTAIN INFORMATION THAT IS PRIVILEGED AND CONFIDENTIAL. IF YOU ARE NOT THE INTENDED RECIPIENT, OR THE EMPLOYEE OR THE AGENT RESPONSIBLE FOR DELIVERING THE COMMUNICATION TO THE INTENDED RECIPIENT, YOU ARE HEREBY NOTIFIED THAT ANY USE, DISCLOSURE, DISTRIBUTION OR COPYING OF THIS COMMUNICATION IS PROHIBITED. IF YOU HAVE RECEIVED THE FACSIMILE IN ERROR, PLEASE IMMEDIATELY NOTIFY US BY TELEPHONE (PHONE COLLECT) AND RETURN THE ORIGINAL FACSIMILE COMMUNICATION TO US AT THE ABOVE ADDRESS BY THE POSTAL SERVICE. THANK YOU.

Received from <416 368 1645> at 3/25/02 7:31:03 PM [Eastern Standard Time]

MODE = MEMORY TRANSMISSION

START=MAR-25 19:35

END=MAR-25 19:38

FILE NO. = 106

NO.	COM	ABBR/NTWK	STATION NAME/ TELEPHONE NO.	PAGES	PRG.NO.	PROGRAM NAME
001	OK		17038729237	011/011		

-DENNISON / MACBETH -

***** -TORONTO ONT - ***** 416 368 1645- *****

DENNISON ASSOCIATES

PATENT AND TRADE-MARK AGENTS

SUITE 301
133 RICHMOND STREET WEST
TORONTO, ONTARIO, CANADA
M5H 2L7

TELEPHONE: (416) 368-8313

FACSIMILE: (416) 368-1645

FACSIMILE TRANSMISSION

DATE: March 25, 2002

Our Ref.: JJ-10 297US

TO: THE COMMISSIONER OF PATENTS AND TRADEMARKS

ATTN: Examiner Jose V. Chen, Art Unit #3636

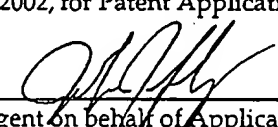
FAX NO.: (703) 872-9327

FROM: John Jeffrey

TOTAL NO. OF PAGES
INCLUDING COVER SHEET IS: 11

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Agent on behalf of Applicant
John C. Jeffrey, Reg. No. 35,764
Tel: (416) 368-8313

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application No: 09/420,419

Title: BRACKET FOR CONCRETE FORMS

Applicant: John Rice

Filed: October 10, 1999

Art Unit: 3636

Our File No: JJ-10 297US

133 Richmond St. West, Suite 301
Toronto, Ontario M5H 2L7

March 25, 2002

Commissioner of Patents and Trademarks
Washington, D.C., U.S.A. 20231

Dear Sir:

PETITION FOR EXTENSION OF TIME UNDER 37 C.F.R. 1.136

It is respectfully requested that an Extension of Time for the period indicated below be granted in accordance with the provisions of 37 C.F.R. 1.136 to take the action required in the application identified in caption, as reflected by the papers submitted.

	<u>Large Entity</u>	<u>Small Entity</u>	
First Month	\$ 110.00	\$ 55.00	
Second Month	\$ 400.00	\$ 200.00	
Third Month	\$ 920.00	\$ 460.00	
Fourth Month	\$1,440.00	\$ <u>720.00</u>	TOTAL: \$720.00

- () A cheque for the above amount is attached. This amount is believed to be correct, however, the Commissioner is hereby authorized to charge any deficiency or credit any overpayment to Deposit Account No. 040752. A duplicate copy of this letter is attached.
- (X) Please charge the amount of \$720.00 to Deposit Account No. 040752. This amount is believed to be correct, however, the Commissioner is hereby authorized to charge any deficiency and/or outstanding fees or credit any overpayment to Deposit Account No. 040752. A duplicate copy of this letter is attached.

Respectfully submitted,

Agent on behalf of Applicant
John C. Jeffrey, Reg. No. 35,764
tel: (416) 368-8313

JJ/ab

EXHIBIT "C"

Patent Cases

Client & Matter No. 000249 - A - 0000012
 File Reference 10297US
 Client Reference

Active Matter ☒ Status PN
 Client Type DC Status

Client Name Bailey Metal Products Limited
 Client Title BRACKET FOR CONCRETE FORMS

Official Title BRACKET FOR CONCRETE FORMS

Applicant No. 000249 Applicant Name Bailey Metal Products Limited
 Assignee No. Assignee Name
 Associate No. Associate Name

Case Type	P	Originating Appl'n	<input checked="" type="radio"/> Yes <input type="radio"/> No	Filing Date	Oct 10, 1999
Country	US	Convention Claimed	<input type="radio"/> Yes <input checked="" type="radio"/> No	Serial No.	09/420,419
Lawyer Resp.	JJ	PCT Application	<input type="radio"/> Yes <input checked="" type="radio"/> No	Reg'n Date	00/00/00
Lawyer Assigned		Small Entity	<input checked="" type="radio"/> Yes <input type="radio"/> No	Reg'n No.	
Paralegal		Exam Requested	<input type="radio"/> Yes <input checked="" type="radio"/> No	Publ'n Date	00/00/00
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				N.P. Entry D.	00/00/00

Due Dates: 0

Due Date	Action	Instr.	Base Date	o/r	Comments
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Inventors RICE JOHN

Comments

Assoc. Ref.		Priority/Basis (CP) ...	Parent File (PF) ...
Examiner		Country	Country
Division		Filing Date 00/00/00	Filing Date 00/00/00
Floor		Serial No.	Serial No.
Class		Reference	Reference
Sub Class			
Group		Closed/X Ref.	Reason
Batch No.		Last Modified Aug 22, 2000	

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Patent Cases

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Removed	Sep 22, 2001	USFA2	0	0	Jun 22, 2001	<input type="checkbox"/>	Sep 24, 2001	<input type="checkbox"/>	Notice of Appeal fi
Removed	Sep 22, 2001	USNOA	0	0	Jun 22, 2001	<input type="checkbox"/>	Sep 24, 2001	<input type="checkbox"/>	Notice of Appeal fi
Extended from	Nov 24, 2001	USAB	0	0	Sep 24, 2001	<input type="checkbox"/>	Nov 24, 2001	<input type="checkbox"/>	ext 1 mth/ab
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Removed	Mar 24, 2002	USAB	0	4	Sep 24, 2001	<input type="checkbox"/>	Mar 25, 2002	<input checked="" type="checkbox"/>	filed request for c

Correspondence: 1

To Mr. John Rice, Bailey Metal Products Limited
1 Caldari Road, Concord, ON, CA L4K 3Z9

Form Letters Printed: 0

Date Printed	Form Code
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EXHIBIT "D"

Log

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Field Entries: None

Letter Entries: None

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Field Entries: None

Letter Entries: None

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Field Entries: None

Letter Entries: None

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Field Entries: None

Letter Entries: None

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Field Entries: None

Letter Entries: None

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Letter Entries: None						
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Field Entries: None						
Letter Entries: None						
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Field Entries: None						
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Field Entries: None						
Letter Entries: None						

Log

<u>Client & Matter No.</u>	<u>Date</u>	<u>Time</u>	<u>User</u>	<u>Prev. Date</u>	<u>New</u>	<u>Deleted</u>
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Field Entries: None

Letter Entries: None

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Due Date Entries: None

Field Entries: None

<i>Letter Entries:</i>	<i>cc</i>	<i>Client No</i>	<i>Attn</i>	<i>Copies</i>	<i>Action</i>	<i>Due Date</i>	<i>Printed</i>
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Field Entries: None

Letter Entries: None

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Due Date Entries: None

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Entered	Assignment No	010474 0287

Letter Entries: None

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<i>Due Date Entries:</i>	<i>Due Date</i>	<i>Action</i>	<i>Seq</i>	<i>Base Date</i>	<i>Ins</i>	<i>Date Done</i>	<i>o/r</i>	<i>Comments</i>
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Field Entries: None

<i>Letter Entries:</i>	<i>cc</i>	<i>Client No</i>	<i>Attn</i>	<i>Copies</i>	<i>Action</i>	<i>Due Date</i>	<i>Printed</i>
1 USP4	To	000249	C	1		00/00/00	<input type="checkbox"/>

000249-0000012	Jan 6, 2000	2:52 PM	MAR	Nov 18, 1999	<input type="checkbox"/>	<input type="checkbox"/>
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<i>Due Date Entries:</i>	<i>Due Date</i>	<i>Action</i>	<i>Seq</i>	<i>Base Date</i>	<i>Ins</i>	<i>Date Done</i>	<i>o/r</i>	<i>Comments</i>
Removed	Jan 9, 2000	NFMP	0	Nov 9, 1999	<input type="checkbox"/>	Jan 5, 2000	<input type="checkbox"/>	filing fee/oath/c

Field Entries: Field Name Value

Entered Small Entity Yes

Letter Entries: None

Log

<u>Client & Matter No.</u>	<u>Date</u>	<u>Time</u>	<u>User</u>	<u>Prev. Date</u>	<u>New</u>	<u>Deleted</u>
000249-0000012	Nov 18, 1999	4:10 PM	ARL	Oct 21, 1999	<input type="checkbox"/>	<input type="checkbox"/>

<u>Due Date Entries:</u>	<u>Due Date</u>	<u>Action</u>	<u>Seq</u>	<u>Base Date</u>	<u>Ins</u>	<u>Date Done</u>	<u>o/r</u>	<u>Comments</u>
Added	Oct 10, 2000	FFILE	0	Oct 10, 1999	<input type="checkbox"/>	00/00/00	<input type="checkbox"/>	

<u>Field Entries:</u>	<u>Field Name</u>	<u>Value</u>
Entered	Filing Date	Oct 10, 1999
Entered	Serial No	09/420,419
Changed from	Status	F
Changed to	Status	PN

Letter Entries: None

000249-0000012	Nov 18, 1999	10:56 AM	MAR	Oct 21, 1999	<input type="checkbox"/>	<input type="checkbox"/>
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<u>Due Date Entries:</u>	<u>Due Date</u>	<u>Action</u>	<u>Seq</u>	<u>Base Date</u>	<u>Ins</u>	<u>Date Done</u>	<u>o/r</u>	<u>Comments</u>
Added	Jan 9, 2000	NFMP	0	Nov 9, 1999	<input type="checkbox"/>	00/00/00	<input type="checkbox"/>	filing fee/oath

Field Entries: None

Letter Entries: None

000249-0000012	Oct 21, 1999	12:14 PM	ARL	00/00/00	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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<u>Due Date Entries:</u>	<u>Due Date</u>	<u>Action</u>	<u>Seq</u>	<u>Base Date</u>	<u>Ins</u>	<u>Date Done</u>	<u>o/r</u>	<u>Comments</u>
Added	Nov 21, 1999	CRFC	0	Oct 21, 1999	<input type="checkbox"/>	00/00/00	<input type="checkbox"/>	

<u>Field Entries:</u>	<u>Field Name</u>	<u>Value</u>
Entered	Active	Yes
Entered	Applicant No	000249
Entered	Case Type	P
Entered	CI Matter Name	BRACKET FOR CONCRETE
Entered	Client Address	A
Entered	Client Matter	0002490000012
Entered	Country	US
Entered	Fee Reminder	Yes
Entered	File Reference	10297US
Entered	File Reference	10297US
Entered	Lawyer Resp	J J
Entered	Matter Type	2
Entered	Originating	Yes
Entered	Status	F

Letter Entries: None